

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

PERRY PATTERSON,

Plaintiff

v.

CANDICE OAKES, *ET AL.*,

Defendants.

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Civil Action No. 5:19-CV-55-RWS-JBB

ORDER

Plaintiff Perry Patterson filed the above-captioned civil action complaining of alleged violations of his constitutional rights. Docket Nos. 1, 25. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636. Plaintiff originally filed *pro se*, but counsel has now been appointed to represent him. *See* Docket No. 125.

Plaintiff filed a motion for summary judgment and judgment by default. Docket No. 117. The Magistrate Judge issued a Report recommending that the motion be denied. Docket No. 123. Plaintiff has not filed any objections to the Report and Recommendation.

Because no objections have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203- RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report and Recommendation of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's

Report and Recommendation are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”). Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 123) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff’s motion for summary judgment and judgment by default (Docket No. 117) is **DENIED**. The denial of this motion shall have no effect upon Plaintiff’s rights to pursue his claims through further judicial proceedings.

So ORDERED and SIGNED this 13th day of March, 2024.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE